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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/162,402	09/28/1998	RICHARD MCNALLY	M0971/7001	8813

7590 05/16/2003

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 05/16/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/162,402	MCNALLY ET AL.
Examiner	Art Unit	
Binh-An D. Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 07 April 2003.

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-56, 61 and 62 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-56, 61 and 62 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6)  Other: \_\_\_\_\_

**DETAILED ACTION**

1. The Request for Continued Examination filed in Paper No. 26, April 7, 2003 have been approved; therefore, the Amendment filed in Paper No. 23, January 8, 2003 is hereby considered. Further, the Amendment filed in Paper No. 27, April 7, 2003 has been received; according to this Amendment, claim 14 has been amended. Currently, claims 1-56, 61, and 62 are pending in this application. Acknowledgment has been made.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-56, 61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen ("Offense off to a flying start" by Sean Jensen, The Boston Globe, September 1, 1997) in view of Shur et al. (5,636,920).

Jensen teaches an article of manufacturing (the newspaper) which report drives of a football game with charts comprising: a substrate (newspaper); a plurality of symbols (arrows, lines, and dashes) representing distinct and individual plays (e.g., displaying a combination of a solid line and a dashed line); a plurality of parallel lines, rendered on the substrate; a plurality of line segments; illustrating different plays and

quarters, each of the play can be distinguished from other plays (drives and punts). See charts. Jensen does not explicitly teach symbols identifying player involving of responsible for moving the ball in the field during each of the play; an apparatus for rendering a diagram represent a football game; user inputting data. Shur et al. teach sports team organizer comprising symbols identifying player involving of responsible for moving the ball in the field during each of the play; an apparatus for rendering a diagram represent a sport game; user inputting data; and plurality of symbols each representing individual and distinct play for setting game drills (8:1-24). See figures 1-6, 9, 11-19, and columns 1-8.

Note, regarding the limitation of rendering a plurality of symbols representing at least three distinct and individual plays along a path such that each of the at least three distinct and individual plays can be distinguished from one another (claims 1, 14, 27, 41, 55 and 61), this limitation can be accomplished by modifying Jensen's illustration of a drive (a solid line), (i.e., Fourth Quarter: Patriot- 3 plays, 9 yards) with Shur et al.'s teaching of utilizing different symbols for different play action (e.g., dribble, run,etc.).

Further, regarding the limitations of symbols representing all plays as occurred during a quarter, during a half, or during an entire game (claims 5-7, 18-20, 31-33, and 45-47), those limitations are design choices since they do not provide unexpected results.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the football game report of Jensen by utilizing different individual symbols for different action, as taught by Shur et al., come up with a

computer-implemented system and method for reporting a football game with better details.

4. Applicant's arguments with respect to claims 1, 14, 27, 41, 55 and 61 have been considered but are moot in view of the new ground(s) of rejection.

Note, regarding the limitation of rendering a plurality of symbols representing at least three distinct and individual plays along a path such that each of the at least three distinct and individual plays can be distinguished from one another (claims 1, 14, 27, 41, 55 and 61), this limitation can be accomplished by modifying Jensen's illustration of a drive (a solid line), (i.e., Fourth Quarter: Patriot- 3 plays, 9 yards) with Shur et al.'s teaching of utilizing different symbols for different play action (e.g., dribble, run,etc.).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

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BN

*V. Martin-Wallace*

VALENCIA MARTIN-WALLACE  
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